

COLL. CAT.

WA

900

AM7

857

✓  
Opinion of Attorney-General in Reference to Local Quarantine.

Office Mississippi State Board of Health, }  
JACKSON, MISS., JUNE 12th, 1879. }

HON. T. C. CATCHINGS, Attorney General:

DEAR SIR: I respectfully request your opinion as to whether the Boards of Supervisors of counties, or the governments of incorporated towns, have the power to prevent the passage or running of railroad trains, within their jurisdiction, in order to prevent the introduction or spread of yellow fever, or other contagious or infectious diseases. Your opinion on this question is sought with special reference to quarantines that may be established to prevent the introduction and spread of yellow fever. The question, in this connection is one of great interest, for if such power is possessed one important factor, (railroad trains) in introducing epidemics into our State from neighboring States, might be removed.

Please also inform me if the same authorities have the power to prevent the running or passage of water craft.

Very truly yours,

WIRT JOHNSTON,  
Secretary and Executive Officer of Mississippi State Board of Health.

Vicksburg, June 14th, 1879.

DR. WIRT JOHNSTON, Jackson:

DEAR SIR: Yours of the 12th inst. received. Under Section 2739 of the Code, it would be extremely difficult to place a limit upon the power of the Boards of Supervisors and the corporate authorities of cities and towns, in adopting measures to prevent the introduction or spread of yellow fever and other diseases.

The language of that section is extremely broad, and would, I think, warrant the stopping of trains, and the landing of vessels, if deemed necessary or expedient to prevent the introduction or spread of diseases.

The power conferred by this Statute is in my judgment broad enough to cover any measure deemed expedient and proper.

Quarantine regulations and health laws of every description, being regulations of police, are clearly within the sovereign power of the States; do not violate any constitutional provision; are sustainable even if they effect commerce incidentally, and have generally passed unchallenged. I have no doubt of the validity of the Statute mentioned, whether viewed from a constitutional stand-point, or otherwise.

Possessing the power itself, the State can execute it, either directly, or through the agency of counties and towns.

Respectfully,

T. C. CATCHINGS.



